

§ 203.83 Additional requirements.

(a) *Maintenance deficiencies.* Rehabilitation and Advance Measures authorities may not be used to correct deferred or deficient maintenance. Such correction must be accomplished by, or at the expense of, local interests. This may include restoring normal levee or dune height after subsidence, replacement of deteriorated components such as outlet structures and pipes, removal of debris and other obstructions in adjacent channels, and new construction such as protection against erosion. This does not preclude furnishing flood fight assistance during an emergency.

(b) *Areas of minor damage.* Separable areas with minor damage should be included in the maintenance program of local interests.

(c) *Minor completion items.* Local interests should be responsible for minor completion items, such as dressing fills, placing sod, or seeding completed work.

(d) *Adequacy of requirements of local cooperation.* In determining the adequacy of the pledge of local cooperation, district/division commanders must give proper consideration to the local sponsor's performance capability, taking into account any shortcomings in meeting prior commitments. Where a responsible local sponsor entity has not been formed, agreement by the local interests to later form such an entity may be considered for inclusion in the local cooperation agreement. If feasible, provisions should be made by local interests to establish a "Contingency Fund" to meet future maintenance requirements if apparent inadequacies of protective works indicate maintenance costs will be unusually high.

(e) *Privately owned projects.* In certain cases, Pub. L. 84-99 activities may involve flood control or water supply facilities owned by individuals, organization or other non-public entities. In such cases whenever practicable the local cooperation agreement furnished by each property owner should be sponsored collectively by a public entity or other organization fully responsible for maintenance of the structure. This organization in turn is to furnish its own overall local cooperation agreement for acceptance by the district commander.

(f) *Eligibility under other programs.*

The local cooperation agreement must be worded to allow local interests to accept funding from other Federal programs for meeting the local responsibility. For example removal of temporary works will be without cost under Corps Pub. L. 84-99 assistance, but will not be "at no cost to the United States."

§ 203.84 Forms of local participation.

In addition to the standard requirements of local cooperation and according to the circumstances, local participation in project work may be in the form of: Contributed funds; the furnishing of materials, equipment, or services; and/or accomplishment of work either concurrently or within a specified reasonable period of time. The final terms agreed upon will be set forth in writing and made a part of the assurance agreement before commencement of work.

(a) *Contributed funds.* Contributed funds may be accepted, or refunded, without further reference or approval by the Chief of Engineers. The required certificate of the district commander will cite as the pertinent authority "Pub. L. 99, 84th Congress, approved 28 June 1955 as amended."

(b) *Obligation of contributed funds.* Per OMB Circular A-34, all contributed funds must be received in cash and deposited with the Treasury before any obligations can be made against such funds. Well construction is exempted from this requirement because financing is specifically authorized in Pub. L. 84-99 as amended. However, the assurance agreement must be signed in advance of any obligations. To reduce administrative problems, the agreement should be for no longer than will provide payments within the means of the applicant. The term is limited by Pub. L. 84-99 to a maximum of 30 years.

(c) *Provision of work or services in kind.* To the extent practicable, local interest should be allowed to minimize the amount of contributed funds by providing equivalent work or services in kind. Such services do not include lands, easements or right-of-way.